

ALEX G. TSE (CABN 152348)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:15-CR-533 RS
)	
Plaintiff,)	STIPULATION AND
)	PROPOSED ORDER CHANGING DATE FOR
v.)	SENTENCING AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
CARY COLLINS,)	
)	
Defendant.)	

The parties, with the consent of the defendant, hereby stipulate as follows:

1. The sentencing hearing for Counts Four and Eight in this case is currently set for August 7, 2018, at 2:30 p.m., which was scheduled by stipulation and order subject to the victim's availability. See Docket No. 93 ¶ 3 ("The United States has attempted to confer with the victim of Counts Four and Eight, but has not yet been able to confirm the victim's availability on August 7, 2018. The parties will confer should the sentencing need to be moved to provide the victim an opportunity to attend the sentencing hearing pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771(a)(4).").

2. The victim of Counts Four and Eight has a scheduling conflict with the sentencing date on August 7, 2018. The victim is available on August 14, 2018. Therefore, to provide the victim an opportunity to attend the sentencing hearing pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771(a)(4), the parties hereby stipulate that the sentencing hearing be moved to August 14, 2018, subject to the Court's acceptance and availability.

3. The United States conferred with Probation Officer Aakash Raju on June 5, 2018, and Officer Raju is available on August 14, 2018.

4. Additionally, the status hearing for severed Count Nine, which remains pending against the defendant, is currently set for August 7, 2018, at 2:30 p.m. Should the Court accept the parties' stipulation above to move the sentencing hearing for Counts Four and Eight in this case to August 14, 2018, the parties also hereby stipulate that:

- a. The status hearing for Count Nine be moved to the same time as the sentencing hearing for Counts Four and Eight on August 14, 2018.
- b. The parties jointly and respectfully request that the Court issue the proposed order excluding time under the Speedy Trial Act based on the following:

- i. The United States has provided the defendant with discovery materials regarding severed Count Nine, and the defendant requires additional time to review the discovery and to prepare effectively with defense counsel. A delay regarding severed Count Nine is also appropriate based on the delay resulting from the trial proceedings that were previously pending and that related to Counts One through Eight against the defendant.
- ii. There is good cause to exclude time under the Speedy Trial Act as the ends of justice from such an exclusion outweigh the best interest of the public and the defendant in a speedy trial. Specifically, such an exclusion provides defense counsel reasonable time for effective preparation, taking into account due diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv). Additionally, such an exclusion is appropriate as the delay results from the trial proceedings that have been pending and that have related to other charges against the defendant. 18 U.S.C. § 3161(h)(1)(B).

IT IS SO STIPULATED.

DATED: June 5, 2018

/s/ with permission
ELIZABETH MEYER FALK
Counsel for Defendant Collins

ALEX G. TSE
Acting United States Attorney

DATED: June 5, 2018

/s/ Jeffrey Shih
JEFFREY SHIH
Assistant United States Attorney

**~~PROPOSED~~ ORDER CHANGING DATE FOR SENTENCING AND
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT**

Based on the stipulation of the parties, the consent of the defendant, and on good cause shown, the Court orders that the sentencing hearing for Counts Four and Eight and the status hearing for Count Nine, which are both currently set for August 7, 2018, are hereby moved to August 14, 2018.

Additionally, the time period from the date of this Order, through and including the August 14, 2018, is excluded under the Speedy Trial Act. The Court bases this exclusion of time and makes the findings as stipulated by the parties above.

IT IS SO ORDERED.

Dated: 6/11, 2018


HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE